ELLIOTT MANAGEMENT CORPORATION v. HIRST et al Doc. 1

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELLIOTT MANAGEMENT CORPORATION, Plaintiff(s), v. ALAN HIRST, RAGURAMAN SRINIVASAN, STECH SOLUTIONS, INC. AND ALOMGIR MIAH, Defendant(s).	**INDEX NO. 600239/08** **NOTICE OF REMOVAL**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Defendants Alan Hirst, Raguraman Srinivasan and STech Solutions, Inc. with their principal place of business at 53 Warwick Road, West Windsor, New Jersey 08550 and through their attorneys, Sedita, Campisano & Campisano, LLC, respectfully state:

1. Plaintiff Elliott Management commenced this action on January 25, 2008 by filing an Order to Show Cause and Verified Complaint in the Supreme Court of the State of New York, New York County, Index No. 600239/08. The action is now pending in that Court.

2. On January 25, 2008 Plaintiff attempted to serve upon Defendants Alan Hirst, Raguraman Srinivasan, and STech Solutions, Inc. via e-mail and Federal Express mail a copy of the Summons, Order to Show Cause and Verified Complaint.

Dockets.Justia.com

3. Judge Helen Freedman of the New York Supreme Court, New York County, issued preliminary restraints against Defendants in this action on an ex parte basis on January 25, 2008. A return date for the preliminary restraints is scheduled for February 7, 2008. There have been no further proceedings in this Action.

4. Defendants have not yet responded to the Order to Show Cause and Verified Complaint and their time for a response has not expired.

5. A copy of each of the foregoing papers, which constitutes all pleadings to date, is annexed hereto as Exhibit A.

6. The above-captioned action is a civil action over which this Court has jurisdiction and is one which may be removed to this Court by Defendants in that:

a. This Court has diversity jurisdiction over the above-captioned action pursuant to 28 U.S.C.§1332(a)(1);

b. Plaintiff Elliott Management Corp. has principal offices in the State of New York and is a corporation of the State of Delaware;

c. Defendant STech has its principal offices in the State of New Jersey and is a corporation of the State of New Jersey;

d. Defendants Alan Hirst and Raguraman Srinivasan and Alomgir Miah are all residents of the State of New Jersey; and

e. The amount of controversy in this action exceeds $75,000.00.

6. This Notice of Removal is accompanied by the required filing fee of $350.00.

7. This Notice of Removal is filed within the time permitted by 28 U.S.C.§1446(b) and the Federal Rules of Civil Procedure.

8. Upon filing of this Notice of Removal, Defendants shall give written notice thereof to counsel for Plaintiff David Parker, Esq., of Kleinberg, Kaplan, Wolff & Cohen, 551 Fifth Avenue, 18th Floor, New York, New York 10176 and shall file copies of said Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York and Helen Freedman, J.S.C.

9. By filing this notice, Defendants do not waive any available defenses.

WHEREFORE, Defendants remove this action now pending against it in the Supreme Court of the State of New York, County of New York to the United States District Court for the District of New Jersey, where it shall proceed as an action originally commenced therein.

SEDITA, CAMPISANO & CAMPISANO, LLC
Attorney for Defendants Alan Hirst,
Raguraman Srinivasan and STech Solutions, Inc.

BY: ______________________
Frank R. Campisano

Dated: February 1, 2008

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this date I caused a copy of the foregoing Notice of Removal to be served via hand delivery to David Parker, Esq., of Kleinberg, Kaplan, Wolff & Cohen, 551 Fifth Avenue, 18th Floor, New York, New York 10176. I also caused a copy of the foregoing document to be served via hand delivery with the Clerk of the Supreme Court of the State of New York, County of New York and Helen Freedman, J.S.C.

SEDITA, CAMPISANO & CAMPISANO, LLC
Attorney for Defendants Alan Hirst,
Raguraman Srinivasan and STech Solutions, Inc.

BY: ______________________________
Frank R. Campisano

Dated: February 1, 2008